

AMENDMENTS TO THE DRAWINGS

Attached hereto are 3 sheets of corrected drawings that comply with the provisions of 37 C.F.R. §1.84. The corrected formal drawings incorporate the following changes:

- Figure 7-9 are labeled as “Background Art”.

Applicants respectfully requests that the corrected formal drawings be approved and made a part of the record of the above-identified application.

REMARKS

Applicants thank the Examiner for total consideration given the present application. Claims 4-7 and 10 remain pending. Claim 4 has been amended through this Reply. Claim 4 is independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

OBJECTION TO THE ABSTRACT

The abstract is objected to for minor informalities. *See Office Action, page 3.* The abstract has been amended to address this objection. Applicants respectfully request that the objection to the abstract be withdrawn.

DRAWINGS

The drawings are objected to for lack of labeling figure 7-9 as "Background Art". The drawings have been amended to address this objection. Applicant respectfully request that the objection to the specification/drawings be withdrawn.

35 U.S.C. § 102 REJECTION – SAITO

Claims 4-7 and 10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Saito (JP 11-339350 A) (hereinafter "Saito"). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Saito fails to teach or suggest each and every claimed element. For example, independent claim 4 recites,

A disc loading device comprising:
a tray in which a disc is placed;

a main chassis into which the tray is loaded and from which the tray is unloaded;

a guide groove disposed parallel to a loading/unloading direction in the tray or the main chassis;

guides that are disposed at the main chassis or the tray and engage with the guide groove; and

an elastic body that is disposed in the vicinity of a loading start position or an unloading end position of the tray and that presses a side wall of the guide groove and the guides in the right angle direction to loading/unloading of the tray and parallel to a plane on which the disc is placed.

Saito teaches a disc loading and unloading device including a tray 3 in which a disc is placed, a main chassis (2A) into which the tray is loaded and unloaded, a guide groove (3b1, 3c1) disposed parallel to a loading/unloading direction in the tray, guides (2b1) that are disposed at the main chassis or the tray and engage with the guide groove, and flat springs (5, 6) which are convex variant parts 5a and 5b and 6a and 6b. Flat springs are fixed to a tray guidance shelf 2b5 and 2c5. When the tray 3 is loaded as shown in Fig. 2(B), the tray 3 is upwardly suppressed to the tray retainer 2b4, 2c4 by the protrusions 6a, 6b of the spring 6, thereby preventing resonance vibration to the tray 3.

However, Saito fails to teach or suggest that the device includes an elastic body that is disposed in the vicinity of a loading start position or an unloading end position of the tray and that presses a side wall of the guide groove and the guides in the right angle direction to loading/unloading of the tray and parallel to a plane on which the disc is placed, as recited in claim 4. Saito's flat springs may be construed as elastic bodies, however, Saito is silent as to flat springs pressing at a right angle direction to a side all of the guide groove.

Therefore, for at least these reasons, independent claim 4 is distinguishable from Saito. Claims 5-7 and 10 depend from claim 4, directly or independently. Therefore, for at least the reasons stated with respect to claim 4, claims 5-7 and 10 are also distinguishable from Saito.

Accordingly, Applicant respectfully requests that the rejection of claims 4-7 and 10, based on Saito, be withdrawn.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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Attachments:
Replacement Drawings

Application No. 10/521,154
Amendment dated July 26, 2007
Reply to Office Action of May 2, 2007

Docket No.: 3718-0106PUS1

REPLACEMENT SHEET